

October 10, 2014
FOR IMMEDIATE RELEASE

Summary of October 2-3, 2014, Board Meeting

The following is a summary of October 2-3, 2014, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 151 cases.

New Investigative Cases: The Board reviewed 80 new investigative cases.

Combined Statement of Charges and Settlement Agreements: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreements contain the allegations and the disciplinary sanctions.

The Board approved 2 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced family and emergency medicine in Milaca, Minnesota, entered into a combined Statement of Charges and Settlement Agreement on October 3, 2014. The physician's Iowa medical license has been inactive due to nonrenewal since July 1, 1991. On November 9, 2013, the physician was disciplined by the Minnesota Board of Medical Practice (Minnesota Board). The Minnesota Board alleged that the physician prescribed large quantities of controlled substances to two personal friends and diverted most of the drugs for his own use between 2010 and 2012. The Minnesota Board issued the physician a reprimand and indefinitely suspended his Minnesota medical license indicating that he may petition for reinstatement of his Minnesota license upon successful completion of specified terms and conditions. Under the terms of the October 3, 2014, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license.
2. An Iowa-licensed physician who currently practices family medicine in Lake Oswego, Oregon, entered into a combined Statement of Charges and Settlement Agreement on October 3, 2014. the physician's Iowa medical license has been inactive due to nonrenewal since November 1, 1986. On March 1, 2012, the physician entered into a Stipulated Order with the Oregon Medical Board (Oregon Board). The Oregon Board alleged that the physician inappropriately prescribed medications to multiple patients without appropriate indications and monitoring in Lake Oswego, Oregon, between 2007 and 2010. The Oregon Board issued the physician a reprimand and ordered him to pay a

\$1,000 fine and complete a Board-approved prescribing course and educational intervention. The Oregon Board also ordered him to limit the number of physician assistants under his supervision to one. The physician denied the allegations but accepted the Oregon Board's order to compromise and resolve, the proceedings. The physician has successfully completed the conditions established by the Oregon Board and is not under any current restriction or limit to practice medicine in that state. Under the terms of the October 3, 2014, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning for being disciplined by the Oregon Board for conduct occurring in that state and he agreed to provide the Iowa Board written notice at least ninety (90) days prior to seeking reinstatement of his Iowa medical license at which time he agrees to comply with any additional conditions ordered by the Board which are necessary to protect the public and ensure that he practices medicine with reasonable skill and safety.

Dismissal Orders: If the Board determines that probable cause no longer exists to pursue formal disciplinary action against a licensee, the Board may issue a Dismissal Order dismissing the pending Statement of Charges.

The Board approved 1 Dismissal Order.

An Iowa-licensed physician who formerly practiced general medicine in Charles City and Mason City, Iowa, and Blue Earth, Minnesota, had charges dismissed by the Board on October 3, 2014. On November 1, 2012, the physician's Iowa medical license went inactive due to nonrenewal. On December 26, 2012, the physician entered into an Initial Agreement with the Iowa Physician Health Program (IPHP) due to a health condition which may impair his ability to practice medicine with reasonable skill and safety. The physician agreed to obtain approval from the IPHP prior to returning to the practice of medicine. On March 9, 2013, the physician entered into a Stipulation and Order with the Minnesota Board of Medical Practice (Minnesota Board). The Minnesota Board concluded that the physician was unable to practice medicine with reasonable skill and safety due to illness and his Minnesota medical license was suspended indefinitely. the physician is seeking reinstatement of his Minnesota medical license. On May 20, 2013, the physician entered into an agreement to report to the IPHP prior to seeking reinstatement of his Iowa medical license. On August 8, 2014, the Iowa Board filed charges against the physician based on the Minnesota action. On October 3, 2014, the Board voted to dismiss the pending charges. The Board noted that the physician's Iowa medical license has been inactive since November 1, 2012, that the Stipulation and Order he entered into with the Minnesota Board is a public record and he has agreed to report to the IPHP prior to seeking reinstatement of his Iowa medical license.

Confidential Evaluation Orders: If the Board receives evidence that a physician may suffer from physical, neurological or mental condition, or substance abuse, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved assessment program.

The Board approved 1 Confidential Evaluation Order due to the following areas of concern:

Concerns that an Iowa-licensed physician violated appropriate physician-patient boundaries or engaged in unprofessional conduct.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 28 confidential Letters of Warning or Education for the following areas of concern:

1. Concerns that a physician acted in a rude and unprofessional manner toward nursing staff and others.
2. Concerns that a physician failed to arrange proper call coverage.
3. Concerns that about a physician's neurological examination.
4. Concerns about a physician's aggressive surgical treatment to an elderly patient.
5. Concerns about a physician's neurological evaluation.
6. Concerns about a physician's cardiac workup.
7. Concerns that a physician failed to refer a cancer patient to an oncologist.
8. Concerns that a physician failed to adequately explain the risks, benefits and costs of cataract surgery.
9. Concerns about a physician's controlled substance prescribing to an elderly patient.
10. Concerns about a physician's delayed response to a Board investigation.
11. Concerns about a physician's evaluation of an elderly patient with a fractured hip.
12. Concerns about a physician's evaluation of an elderly patient with a fractured hip.
13. Concerns that a physician prescribed medications to a patient without proper monitoring.
14. Concerns that a patient received multiple medications without an adequate examination and/or documentation and without proper monitoring.
15. Concerns about a physician's communication with family and other physicians.
16. Concerns about a physician's professional boundaries and judgment.
17. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for improper pain management.
18. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for inadequate medical records and closing a medical practice without proper notice to patients.
19. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for failing to complete a death certificate.
20. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for failing to provide appropriate care to a patient.
21. Concerns that a physician with an inactive Iowa medical license was disciplined in Canada for engaging in a sexual relationship with an employee who was also a patient.
22. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for using pre-signed prescriptions.
23. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for improper treatment of multiple patients.
24. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for inadequate medical records.
25. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for engaging in a sexual relationship with a former patient, improper prescribing and inadequate medical records.
26. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for improper treatment of multiple patients.
27. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for improper treatment of multiple patients.

28. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for improper treatment of multiple patients.

Unlicensed Practice of Medicine: The Board may review allegations that an individual has engaged in the practice of medicine or held themselves out as a physician in Iowa without a medical license in violation of Iowa law.

The Board reviewed 1 case which alleged that an individual held themselves out as a physician in Iowa without a medical license in violation of Iowa law. The Board voted to issue a Cease and Desist letter.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed 11 physicians who are being monitored by the Board and held 5 physician appearances.

Screening Committee: The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 28 cases.

Licensure Committee: The Licensure Committee reviews initial license applications, renewals and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Committee reviewed 11 license applications. Five permanent licenses were granted, one permanent license was reinstated, two temporary licenses were granted, and two consent agreements were approved. One reinstatement application was left open to obtain further information.

The Committee approved 6 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on their license applications.

In other action the Board:

- Voted to file a notice of intended action to amend 653 Iowa Administrative Code Chapter 13 to establish standards of practice for physicians who use real-time interactive telecommunications systems (telemedicine) to diagnose and treat patients.
- Voted to file a notice of intended action to amend 653 Iowa Administrative Code Chapter 13 to comply with the National Transportation Safety Board's recommendation that states adopt guidance for physicians to discuss with patients the effects of their medical condition and the medication use may have on their ability to safely operate a vehicle in any mode of transportation.
- Received a report from the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 82 participants on October 1. There have been 33 new participants admitted to program since January 1 and 29 discharges.

- Received reports from the Iowa Attorney General's Office on five disciplinary cases and one rulemaking case under judicial review in state courts.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on October 9, 2014. If you have questions about this summary or the Board's press release, please contact Kent M. Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.